

REMARKS

This Response is submitted in reply to the Final Office Action dated July 25, 2008, in which the Examiner:

rejected claim 5 under 35 U.S.C. §112, second paragraph, as indefinite;

rejected claims 5 and 6 under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,470,233 to Fruchterman et al. in view of U.S. Patent No. 6,636,802 to Nakano et al.; and

rejected claims 11-13 under 35 U.S.C. § 103(a) as unpatentable over Fruchterman in view of Nakano and in further view of U.S. Patent No. 3,905,437 to Kaiho et al.

Applicants respectfully traverse the rejections below. Claims 5, 6 and 11-13 are currently pending. Claim 5 is the only independent claim.

Regarding the rejection of claim 5 under 35 U.S.C. §112, second paragraph, as indefinite, the Examiner asserts that the recitation “inputting physical disability information on and a destination of a user from a communication terminal and computing a guide route of an optimum sidewalk to a disability condition of the user” renders the claim indefinite. (Final Office Action, page 2). In support of this rejection, the Examiner cites the section of the MPEP relating to “exemplary claim language” and states that the recitation renders the claim indefinite because “it is unclear whether the limitation(s) following the phrase are part of the claimed invention.” (Final Office Action, page 2). The recitation of claim 5 is not exemplary claim language. Exemplary claim language is language that does not further define the claimed invention and is usually prefaced by the phrase “for example” or the phrase “such as.” (See MPEP 2173.05(d)). The claim language of claim 5 does not use an exemplary phrase. Furthermore, the language is clearly part of the claimed invention and is directed to defining how the second step of the claimed method relates to the first step. The first step of the method of claim 5 involves inputting physical disability information and a destination of a user. (See Claim 5). The second step involves “computing a guide route of an optimum sidewalk to a disability condition of the

user." (See Claim 5). The claim language identified by the Examiner as indefinite recites that the step of computing the guide route is based on the disability and destination information entered in the first step, as well as sidewalk data stored in a database. Specifically, the guide route is computed "according to the physical disability information based on the physical disability information inputted from the communication terminal and sidewalk data stored in a database, the sidewalk data correlating to the physical disability information." (See Claim 5).

Accordingly, Applicants respectfully submit that claim 5 is not indefinite and respectfully request that the rejection of claim 5 under 35 U.S.C. §112, second paragraph, be withdrawn.

Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 5,470,233 to Fruchterman et al. in view of U.S. Patent No. 6,636,802 to Nakano et al. A claim rejection under § 103 is improper unless the prior art references, alone or in combination, teach or suggest each and every claim recitation.

Applicants' claim 5 recites a method of supporting a self-sustained moving comprising the steps of inputting physical disability information on and a destination of a user from a communication terminal, computing a guide route of an optimum sidewalk to a disability condition of the user according to the physical disability information based on the physical disability information inputted from the communication terminal and sidewalk data stored in a database, the sidewalk data correlating to the physical disability information, combining the computed guide route with a map data stored in the database to output it as an electronic map, the map data being constructed for a pedestrian, and displaying the electronic map showing the guide route on the communication terminal, wherein the step of computing the guide route includes preferentially computing the sidewalk that has been passed by a plurality of users having similar physical disability information to that of the user.

Neither Fruchterman nor Nakano, nor the combination thereof, teaches or suggests each and every recitation of claim 5. For instance, Fruchterman does not teach or suggest a method of supporting self-sustained moving comprising

the step of inputting physical disability information on a user from a communication terminal. Rather, Fruchterman is concerned with a geopositioning system for the visually handicapped (Fruchterman, col. 6, lines 33-34), but does not teach anything with regard to inputting physical disability information of a user, including information on visual disabilities. In fact, the citations to Fruchterman provided by the Examiner in support of this rejection do not teach or suggest anything with regard to inputting physical disability information. Rather, the citations provided by the Examiner only indicate that Fruchterman is concerned with a GPS system for the visually impaired and that the Fruchterman system provides output designed for the blind. (See Fruchterman, col. 3, lines 15-17 and lines 26-32).

Fruchterman also does not teach or suggest the step of computing a guide route of an optimum sidewalk to a disability condition of the user according to the physical disability information based on the physical disability information inputted from the communication terminal. Since, as discussed above, Fruchterman fails to teach the step of inputting physical disability information, Fruchterman certainly does not teach the step of computing a guide route based on the inputted physical disability information. Additionally, Fruchterman does not teach or suggest the step of computing a guide route of an optimum sidewalk to a disability condition of the user according to the physical disability information based on sidewalk data stored in a database, the sidewalk data correlating to the physical disability information. Instead, Fruchterman teaches a user-defined database, into which users can incorporate locations and features of importance. (Fruchterman, col. 3, lines 44-45). However, there is no teaching in Fruchterman that the user-defined database correlates to physical disability information. Rather, Fruchterman teaches that “[t]he user-defined database can be used, for example, to identify local restaurants or important points of interest.” (Fruchterman, col. 8, lines 28-29). Thus, Fruchterman’s user-defined database does not teach or suggest data correlating to physical disability information, as recited in claim 5.

Fruchterman also does not teach or suggest a method of supporting self-sustained moving wherein the step of computing the guide route of an optimum sidewalk to a disability condition of the user includes preferentially computing

the sidewalk that has been passed by a plurality of users having similar physical disability information to that of the user. Instead, Fruchterman teaches that a user can “let the Sextant software determine the *shortest* route between the points.” (Fruchterman, col. 4, lines 48-54; emphasis added). Fruchterman further teaches that a single blind user may store *his or her own* route preferences (see, e.g., Fruchterman, col. 4, lines 16-54). However, Fruchterman does not teach or suggest preferentially computing a guide route of an optimum sidewalk to a disability condition of the user, giving preference to sidewalks *other* blind users have passed, as recited by Applicants’ claim 5. Rather, Fruchterman does not even appear to teach or suggest that its system would store, or have access to, information on routes taken by any *other* users having similar physical disability information to that of the user. If anything, Fruchterman teaches away from having access to other users’ information, since Fruchterman teaches that the user-defined database does not intermingle with the basic map database so that updates to the basic map can be made without affecting the user-defined locations and features. (Fruchterman, col. 17, lines 15-18). Therefore, Fruchterman does not teach or suggest each and every recitation of independent claim 5.

Nakano does not overcome the deficiencies of Fruchterman. For instance, Nakano does not add to the teachings of Fruchterman in that Nakano also does not teach or suggest a method of supporting self-sustained moving comprising the step of inputting physical disability information on a user from a communication terminal. Rather, Nakano is concerned with a terminal device, typically a car navigation system, for reading a cartographic file. (Nakano, col. 10, lines 60-61; see also Abstract). Nakano does not teach or suggest anything regarding inputting physical disability information for use with its terminal device.

Nakano also does not overcome the deficiencies of Fruchterman in that Nakano does not teach or suggest the step of computing a guide route of an optimum sidewalk to a disability condition of the user according to the physical disability information based on the physical disability information inputted from the communication terminal. Since, as discussed above, Nakano fails to teach the step of inputting physical disability information, Nakano certainly does not teach

the step of computing a guide route based on the inputted physical disability information. Additionally, Nakano does not teach or suggest the step of computing a guide route of an optimum sidewalk to a disability condition of the user according to the physical disability information based on sidewalk data stored in a database, the sidewalk data correlating to the physical disability information. Instead, Nakano teaches a car navigation system. (Nakano, col. 10, line 60). A car navigation system does not teach anything with regard to sidewalk data or a correlation between sidewalk data and physical disability information. Rather, Nakano's cartographic files contain road network data. (Nakano, col. 1, lines 39-40). Thus, Nakano's car navigation system does not teach or suggest sidewalk data correlating to physical disability information, as recited in claim 5.

Nakano also does not overcome the deficiencies of Fruchterman in that Nakano does not teach or suggest a method of supporting self-sustained moving wherein the step of computing the guide route of an optimum sidewalk to a disability condition of the user includes preferentially computing the sidewalk that has been passed by a plurality of users having similar physical disability information to that of the user. Instead, the section of Nakano that the Examiner cites in the Final Office Action as teaching this recitation is directed to a navigation system having a *read-only* storage media. (Nakano, col. 1, lines 23-30, *emphasis added*). Read-only storage media does not permit user input, and therefore is independent of user information. Thus, cartographic files provided to the users in read-only storage media are, by definition, independent of any user information, including physical disability information. Since users cannot input information into Nakano's read-only media storage, Nakano does not teach or suggest preferentially computing a guide route of an optimum sidewalk to a disability condition of the user, giving preference to sidewalks passed by *other* users having similar physical disabilities, as recited by Applicants' claim 5. If anything, with its read-only media storage, Nakano teaches that its system is not capable of storing, or having access to, information on routes taken by any *other* users having similar physical disability information to that of the user. Thus, neither Fruchterman nor Nakano, nor the combination thereof, teaches or suggests each and every recitation of Applicants' claim 5.

Claim 6 depends directly from claim 5 and includes additional recitations thereto. Accordingly, Applicants respectfully submit that the rejection of claim 6 is improper for at least the reasons stated above in connection with claim 5.

Accordingly, Applicants respectfully submit that the rejection of claims 5 and 6 under 35 U.S.C. § 103(a) as unpatentable over Fruchterman in view of Nakano should be withdrawn and claims 5 and 6 passed to issue.

Regarding the rejection of claims 11-13 under 35 U.S.C. § 103(a) as unpatentable over Fruchterman in view of Nakano and further in view of Kaiho, claims 11-13 depend, directly or indirectly, from independent claim 5 and include additional recitations thereto. As stated above, neither Fruchterman nor Nakano, nor the combination thereof, teaches or suggests each and every recitation of independent claim 5.

Kaiho, which is directed to an electrically driven wheelchair, does not add to the teachings of Fruchterman and Nakano. In fact, Kaiho adds nothing to the discussion of self-sustained moving by computing a guide route and, therefore, cannot teach or suggest preferentially computing the sidewalk that has been passed by a plurality of users having similar physical disability information to that of the user.

Accordingly, Applicants respectfully submit that the rejection of claims 11-13 under 35 U.S.C. § 103(a) as unpatentable over Fruchterman in view of Nakano in further view of Kaiho is improper for at least the reasons stated above, and should be withdrawn.

As Applicants have traversed each and every rejection raised by the Examiner, Applicants respectfully request that the rejection of claims 5, 6 and 11-13 be withdrawn, and claims 5, 6 and 11-13 be passed to issue.

Applicants strongly object to this Office Action being issued as Final. Before Final rejection is in order, a clear issue should be developed between the Examiner and Applicants and switching from one set of references to another by the Examiner in rejecting claims of substantially the same subject matter in successive actions defeats the goal of reaching a clearly defined issue. (See MPEP

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706.07). In this case, the amendments submitted in reply to the previous Office Action were minor in nature, leaving the claims substantially unchanged.

Additionally, the Examiner cites new art in support of the new rejections issued in the Final Office Action. Furthermore, not a single rejection in the Final Office Action was previously issued in a prior Office Action. Therefore, the Office Action should not have been made Final, and it is hereby respectfully requested that the status of this Office Action be changed to Non-final.

Applicants believe no fees are due in connection with this response. If any fees are deemed necessary, authorization is granted to charge any such fees to Deposit Account No. 13-0235.

Respectfully submitted,

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